

Chronicles of Food Protection

www.vdacs.virginia.gov/fdsafety

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Greetings Food Industry! In this issue of *Chronicles of Food Protection* learn more about the importance of continuity of operations plans, an intentional food contamination event that recently occurred in Wisconsin, information on allergen labeling, and much more.

Continuity of Operations Plans

There has been a lot of coverage in the news in recent months about Avian Influenza (Bird Flu) and the government's preparations for a flu pandemic. The Department of Health and Human Services' Pandemic Influenza Plan currently recommends for people to stay home if a pandemic occurs. While not everyone will do this, what will happen if even a small percentage of people heed this recommendation? Have you thought about how your establishment would continue day-to-day operations if 35% or even 15% of your personnel were out sick for an extended period of time? It is an important subject to consider.

A flu pandemic is not the only circumstance in which a Continuity of Operations Plan (COOP) would be important to keep your operation running. There may be a natural disaster that prevents your establishment from being fully staffed or fully functional due to power outages, evacuation of personnel, lack of fuel, etc. Think of how many businesses were impacted as a result of fuel shortages immediately following Hurricane Katrina or simply because there was no one available to work because they had evacuated or had no means of transportation.

One specific real life example of how the damage to one business can lead to disruptions in many other businesses is described in the following account. Hurricane Katrina knocked out a significant portion of our nation's hydrogen gas and natural gas production. Both of these commodities are needed to make

resins, which are essential to the production of plastic pellets. The plastic pellets are essential to the production of plastic milk jugs. This created a 50% reduction in the production of plastic milk jugs for nearly 2 weeks. The milk processing plants that could not obtain plastic milk jugs could not package or process milk which led to shortages of the milk supply to consumers in parts of the country. The plants that could not process milk could no longer receive milk, which meant that dairymen had nowhere to market their milk. Dairymen were forced to dump good milk because they could not market it.



You can see how one event can snow ball and affect numerous operations. Therefore, it is important that you begin thinking of how to handle these sorts of situations in your establishment. Furthermore, you should strongly consider developing a continuity of operations plan (COOP). A COOP is defined as a plan to ensure uninterrupted work or activity in the event of an emergency or major work disruption.

Some steps to consider when developing a continuity of operations plan include:

- Identifying your establishment's critical functions and ranking them in order of priority;
- Identifying where each function is carried out and who does it; and
- Identifying the critical dependencies of the function.

It may also be helpful to make a list of the potential hazards or threats to the critical functions you identify

(e.g. fire, power loss, loss of key personnel, loss of a key service provider, etc.). Then, assess the impact of those hazards or threats and the risk associated with them. Consider the impact or risk during working hours and outside of normal working hours. Next, introduce suitable cost-effective risk control measures to lower the probability of any hazard arising.

For any remaining risks, identify what is required to return to normal operation (e.g. staff relocation, equipment, etc.). Think about what is needed for the first 48 hours subsequent to an emergency, or disaster and then what is needed after the first 48 hours.

Food Security

Teen Jailed in Food Tampering¹

On December 30, 2005, a woman at a Wendy's restaurant in Wausau, Wisconsin was peppering her potato when she discovered metallic mercury coming out of the shaker instead of pepper. Apparently, a 17-year-old boy was responsible for this prank. Police placed the boy in jail and charged him with second-degree reckless endangerment and placing a foreign object in edibles, a felony with the potential for three years in prison if convicted. The reckless endangerment charge carries a potential penalty of 10 years in prison if convicted. No one was harmed in this incident.

This is just another example of why it is so important to be alert to the potential contamination of food products in your food establishment and take the necessary precautions to prevent food contamination from occurring.

Reminder of Resources Available from VDACS



It may have been a while since you visited the VDACS Food Security Web site www.vdacs.virginia.gov/foodsafety/bioterrorism.html. We would like to take this opportunity to remind you of the resources that are available to you at this site.

There is contact information for local police, a toll-free number for the State Police Domestic Terrorism

Hotline and emergency contact numbers for the U.S. Food and Drug Administration (FDA) and USDA's Food Safety and Inspection Service Technical Service Center.

There is a link for information on the Certification of Foreign Workers and a link to Food Security Questions and Answers which includes information on how to report suspicious behavior and suggestions on how to conduct employee background checks.

Additionally, there are links to Virginia's Food Security Guide and FDA Guidance Documents for Processors and Transporters, Retailers, the Dairy Industry, and Importers. Additionally, your Food Safety Specialist can provide you with hard copy booklets of many of these guidance documents if you are interested in using them for food security training in your establishments.

Food Security vs. Food Defense

Since the events of September 11, 2001, there has been a lot of attention focused on protecting the food supply against intentional contamination. Different names have been used over the years to refer to this type of protection of the food supply: food bioterrorism, food protection, and finally food security. However, food security also has another meaning that refers to the availability of nutritionally adequate and safe foods to the public. Therefore, the federal government is beginning to make the transition from using food security to food defense when referring to the protection of the food supply against intentional contamination.

It is likely you will see food security and food defense used interchangeably for some time, but over the next year, it is likely you will begin to see food defense replacing food security on many Web sites and guidance documents.

Food Safety

Food Allergen Labeling^{2,3}

On January 1, 2006, FDA began requiring food labels to clearly state if food products contain any ingredients that contain protein derived from the

eight major allergens, which are **milk, eggs, fish, crustacean shellfish, tree nuts, peanuts, wheat, and soybeans**. These eight major food allergens account for 90% of all documented food allergic reactions, some of which may be severe or life-threatening, according to Dr. Robert Brackett, Director of FDA's Center for Food Safety and Applied Nutrition.



You may identify allergens on your food product package labels in either one of the following two ways:

1. Use a “Contains (followed by the name of the food source from which the major food allergen is derived)” statement immediately after or next to the list of ingredients.

Example: “Contains milk and wheat.”

The statement must identify the sources of all major food allergens contained in the food, even if some of the allergens are immediately identifiable in the ingredient list. The type size must be equal to or larger than the ingredients list.

2. Place the common name of the major food allergen in the list of ingredients, followed in parentheses by the name of the food source from which the major allergen is derived.

This is required when the name of the major food allergen does not appear elsewhere in the ingredient statement.

Example: “natural flavoring (egg, soy)”

In retail establishments, an ingredient statement and, therefore, allergen information is **required** for the following foods:

- Packaged foods with two or more ingredients. A sandwich ordered from a deli counter and placed in a sanitary wrapper is not considered packaged, but a pre-made sandwich placed in a plastic clamshell and sold from a self-service retail display is considered packaged.
- Food not intended for immediate consumption that is pre-portioned and packaged by the retailer prior to display. (e.g. a cake frosted at the store that is sold in a packaged form).
- Food sold in bulk from self-service bins. Ingredient information must be provided on either the bulk bin in plain view of the consumer or on a card, sign, or other medium.

Allergen labeling is **not required** for:

- Unpackaged foods or foods given to the consumer in only a sanitary wrapper (see above).
- Foods prepared or portioned according to a customer or employee order, whether the food is intended for immediate consumption (e.g. ice cream cone or pizza) or not (salad bar, deli salad portioned according to customer order).
- Foods regulated by USDA (e.g. meat, poultry).
- Raw agricultural products in their natural state (e.g. raw, whole fruits and vegetables).
- Highly refined oils and ingredients containing these oils.

Lastly, you may use a “May contain (specific allergen(s))” statement to notify consumers about the possible presence of an allergen in a food product when cross-contamination with a major food allergen cannot be avoided by good manufacturing practices.

For more information on this law as well as answers to frequently asked questions you may visit FDA's Web site at www.cfsan.fda.gov/~dms/wh-alrgy.html.

Trans Fat Labeling⁴

On January 1, 2006 the final rule requiring food labels to bear the gram amount of *trans* fat without a percent Daily Value on the Nutrition Facts panel became effective. The details of this rule were outlined in the June 2005 issue of this newsletter (<http://www.vdacs.virginia.gov/foodsafety/pdf/files/0505fdsfty.pdf>). Many of you may have already been voluntarily labeling *trans* fat before the January deadline.

FDA has received requests to consider enforcement discretion for the use of some existing labels that do not comply with the trans fat labeling requirements. FDA has indicated that they will handle these requests at their discretion on a case-by-case basis. If you would like to submit a request to FDA to use existing labels that do not meet the current trans fat labeling rule, please visit FDA's Web site at www.cfsan.fda.gov/~dms/transgu3.html for information on how to submit your request and what to include in your request in order to expedite FDA's review.

References

¹ Wausau Daily Herald (Wisconsin), Teen Jailed in Food Tampering by Jessica Bock, January 6, 2006.

² FDA's Questions and Answers Regarding Food Allergens, including the Food Allergen Labeling and Consumer Protection Act of 2004. www.cfsan.fda.gov/~dms/wh-alrgy.html

³ FMI Store Level Labeling for Food Allergens. www.fmi.org.

⁴ FDA's Guidance for Industry, Requesting an Extension to Use Existing Label Stock after the Trans Fat Labeling Effective Date of January 1, 2006. www.cfsan.fda.gov/~dms/transgu3.html

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